

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

CHARLES FITZGERALD,)	
)	
Plaintiff,)	
v.)	No. 12-cv-1073
)	
NCI BUILDING SYSTEMS, INC.,)	JURY DEMANDED
)	
Defendant.)	

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff Charles Fitzgerald and Defendant NCI Building Systems, Inc. hereby file this Joint Motion to Dismiss with Prejudice and would show the Court as follows:

Plaintiff and Defendant have compromised and settled all matters at issue in this lawsuit and all terms of settlement have been satisfied. The parties desire to jointly dismiss this lawsuit with each party bearing its own costs at this time.

Wherefore, Plaintiff and Defendant request that the Court dismiss this lawsuit with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of October, 2012, a copy of the foregoing was filed electronically through the Court's electronic filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Michelle Mahony

Michelle Mahony